

AGENDA ITEM: CLSA Program Transitioning

ISSUE TO COME BEFORE THE BOARD AT THIS MEETING: Update on request for an Attorney General's opinion concerning CLSA System transition issues.

GENERAL PROGRAM UPDATE:

CLSA SYSTEM ISSUES

As the regional library networks have developed and organized, a number of issues have been identified which have required additional information to resolve. Discussions have occurred within the context of regional planning meetings, regional contacts meetings, and a variety of other settings where staff, board members, and regional participants have dealt with the issues involved with moving the LoC from an act on paper into a functioning program. The CLSA Transition Committee has discussed a number of these issues, and heard from both staff and regional contacts on the issues relative to moving from one act to the other. Of particular concern now is an issue regarding the definition and role of CLSA systems.

Prior to the August Board meeting, applications for LoC membership were received from 5 current CLSA systems. These organizations were and are applying for membership in the Library of California as special libraries. At the time, staff requested an opinion from CSL general counsel Paul Smith. He advised staff that it would take time for him to develop an opinion, so consideration of these 5 membership applications was held over from the August 2000 Board meeting.

Following that meeting, staff met again with Paul Smith who advised them that he considered it wise to request an Attorney General's opinion, rather than for him to issue one. This advice centered around what he perceived as the potential for litigation, and his concern that his issuing an opinion would potentially negatively impact any future actions that the Attorney General's Office might need to take.

At the November Board meeting, the Board passed a motion to direct its Chief Executive Officer to request the Attorney General's Office for an opinion on transition issues concerning CLSA Systems as identified in the Library of California Act and the California Library Services Act, and to prepare reports to the Board on the progress of this request and the outcomes resulting from it. President Dawe appointed a subcommittee of the Board – himself and Mike Spence – to work with staff in the preparation of materials to submit to the attorney general.

During December and January, President Dawe and Board member Spence reviewed several versions of documents and participated with Cameron Robertson, Paul Smith, Mark Parker and Diana Paque in several conference calls. Resulting from these interactions is the January 26, 2001 request to the Attorney General by Dr. Starr for a legal opinion and the supporting document, also dated January 26, 2001 by Paul Smith, presenting the issues affecting cooperative library systems. Both of these documents are provided as Exhibit A. It is anticipated that a response may be received from the Attorney General prior to the end of the fiscal year.

RELATED ISSUES TO COME BEFORE THE BOARD IN THE FUTURE:

1. Consider programs and services for transitioning to Library of California from CLSA.
2. Consider funding options for CLSA transition to the Library of California.
3. Consider outcomes of the request to the Attorney General on CLSA systems and the LoC and CLSA acts.

Relevant Committee: CLSA Transition
Staff Liaison: Diana Paque